

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION)	MDL 2804
OPIATE LITIGATION)	
)	Case No. 1:17-md-2804
THIS DOCUMENT RELATES TO:)	
)	Judge Dan Aaron Polster
<i>Applies to All Cases</i>)	

KVK-TECH, INC.'S STATUS REPORT

KVK-Tech, Inc., through its undersigned attorneys, and for its Status Report pursuant to the Court's April 21, 2022 Order (Doc. No. 4380) states as follows:

I. KVK is interested in exploring settlement possibilities

There have been no settlement discussions between the MDL plaintiffs and KVK-Tech to date. Nonetheless, KVK-Tech has interest in exploring settlement opportunities. Most recently, KVK-Tech is working to finalize the settlement details in its most active state court case, one filed by the New Mexico Attorney General.

KVK-Tech is open to participating in mediation either with the Court or with an outside mediator, though if mediation were to occur, its preference would be to engage a third-party mediator.

That being said, KVK-Tech is in need of additional information before it can meaningfully engage in mediation. First and foremost, it has no information as to the amount of damages the plaintiffs intend to seek, not to mention the evidentiary basis for the same.

II. Selection of bellwether trials is not needed.

At this time, it is neither necessary nor beneficial to select any MDL cases against the small manufacturer defendants like KVK-Tech to be placed on a bellwether track. The general claims against KVK-Tech have been litigated and briefed in the state court case brought by the

New Mexico Attorney General. In the *State of New Mexico* case, KVK-Tech has produced personnel for deposition and made extensive disclosure of its internal documents related to development of its opioid products, its suspicious order monitoring procedures, its communications with DEA, and a multitude of other issues. KVK-Tech's discovery production in the *State of New Mexico* case has been uploaded to the MDL document repository, thus providing access to all parties.

KVK-Tech additionally is litigating a wide variety of other state court cases in Utah (counties), New Jersey (counties), Virginia (cities), Missouri (hospitals), Mississippi (hospitals), and West Virginia (NAS plaintiffs).

KVK-Tech proposes that, at this time, the MDL cases against the small manufacturer defendants like KVK-Tech proceed only with mediation. This can of course be revisited if settlement becomes unachievable, but KVK-Tech believes that starting out with this approach best utilizes the parties' and the Court's resources.

Dated: June 16, 2022

Respectfully submitted,

/s/ Thomas E. Rice

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was filed with the Clerk of the Court using the CM/ECF system on this 16th day of June, 2022, which will send notification of the same to all counsel of record.

/s/ Thomas E. Rice